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Attorneys for Plaintiffs,
ARISTA RECORDS LLC; UMG
RECORDINGS, INC.; SONY BMG
MUSIC ENTERTAINMENT; and
INTERSCOPE RECORDS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARISTA RECORDS LLC, a Delaware limited
liability company; UMG RECORDINGS, INC.,
a Delaware corporation; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; and INTERSCOPE RECORDS, a
California general partnership,

Plaintiffs,

v.

DARRYL HORVAT,

Defendant.

CASE NO. 3:08-01041-SC

The Honorable Samuel Conti

***EX PARTE* APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for June 6, 2008 at 10:00 a.m. to September 5, 2008. As set forth in greater detail
3 below, the original John Doe complaint in this matter was amended to name Defendant Darryl
4 Horvat on the date of this filing, and Defendant accordingly has not yet been served with process or
5 appeared in this action.

6 1. Plaintiffs have not requested any previous continuances of the case management
7 conference in this matter.

8 2. Plaintiffs filed the initial Complaint for Copyright Infringement in this matter against
9 a Doe defendant on February 21, 2008. Plaintiffs did not have sufficient identifying information to
10 name the defendant in the Complaint, but were able to identify the Doe defendant by the Internet
11 Protocol address assigned by Defendant's Internet Service Provider ("ISP").

12 3. In order to determine the Doe defendant's true identity, Plaintiffs filed their *Ex Parte*
13 Application for Leave to Take Immediate Discovery on February 21, 2008, seeking the Court's
14 permission to serve a Rule 45 subpoena on the ISP.

15 4. The Court entered an Order for Leave to take Immediate Discovery on March 3,
16 2008, which was served upon the ISP along with a Rule 45 subpoena. On April 16, 2008, the ISP
17 responded to Plaintiffs' subpoena, identifying the defendant, Darryl Horvat.

18 5. Plaintiffs then sent Mr. Horvat written notification of their copyright infringement
19 claim, inviting Mr. Horvat to contact Plaintiffs and attempt to resolve the dispute. The parties
20 discussed settlement, but were unable to reach a settlement of this matter.

21 6. Accordingly, along with this request, Plaintiffs have filed their First Amended
22 Complaint, amending the initial John Doe complaint to name Darryl Horvat, individually, as
23 Defendant. Once Summons is issued, Plaintiffs will engage a process server to serve process on
24 Defendant.

25 7. Because Defendant has not yet been served or appeared in this action, a case
26 management conference is unnecessary at this time. Plaintiffs therefore respectfully request that the
27 Court continue the case management conference currently set for June 6, 2008 at 10:00 a.m. to
28 September 5, 2008, to allow time for service of process, for Defendant to prepare and file an answer,

1 and for the parties to meet and confer and file a joint case management statement in advance of the
2 case management conference.

3
4 Dated: May 27, 2008

HOLME ROBERTS & OWEN LLP

5
6 By: /s/ Matthew Franklin Jaksa

7 MATTHEW FRANKLIN JAKSA

8 Attorney for Plaintiffs

9
10 **[PROPOSED] ORDER**

11 Good cause having been shown:

12 **IT IS ORDERED** that the case management conference currently set for June 6, 2008 at
13 10:00 a.m. be continued to September 5, 2008.

14
15
16
17 Dated: _____

By: _____

18 Honorable Samuel Conti
19 United States District Judge